

MARK D. FOWLER (Bar No. 124235)  
[mark.fowler@dlapiper.com](mailto:mark.fowler@dlapiper.com)  
DAVID ALBERTI (Bar. No. 220625)  
[david.alberti@dlapiper.com](mailto:david.alberti@dlapiper.com)  
CHRISTINE K. CORBETT (Bar No. 209128)  
[christine.corbett@dlapiper.com](mailto:christine.corbett@dlapiper.com)  
YAKOV M. ZOLOTOREV (Bar No. 224260)  
[yakov.zolotorev@dlapiper.com](mailto:yakov.zolotorev@dlapiper.com)  
CARRIE L. WILLIAMSON (Bar No. 230873)  
[carrie.williamson@dlapiper.com](mailto:carrie.williamson@dlapiper.com)

DLA PIPER US LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2215  
Tel: 650.833.2000  
Fax: 650.833.2001

Attorneys for Defendant and Counterclaimant  
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,  
  
Plaintiff - Counterclaim  
Defendant,  
  
v.  
  
SUN MICROSYSTEMS, INC.,  
  
Defendant -  
Counterclaimant.

CASE NO. 3:07-CV-06053 EDL

**[PROPOSED] ORDER DENYING  
NETAPP, INC.'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL THE  
UNREDACTED VERSIONS OF  
PLAINTIFF NETAPP, INC.'S  
OPPOSITION TO SUN MICROSYSTEMS,  
INC.'S MOTION FOR PARTIAL STAY  
AND DECLARATION OF DAVID HITZ IN  
SUPPORT THEREOF**

**Date: May 13, 2008  
Time: 2:00 p.m.  
Courtroom: E, 15th Floor  
Hon. Elizabeth D. Laporte**

Having considered the papers submitted and arguments presented in support of and in opposition to NetApp, Inc.'s ("NetApp") Administrative Motion to File Under Seal the Unredacted Versions of Plaintiff Sun Microsystems, Inc. ("Sun") Motion For Partial Stay And Declaration of David Hitz In Support Thereof ("Administrative Motion"), IT IS HEREBY ORDERED that NetApp's Administrative Motion is DENIED.

1 IT IS SO ORDERED.

2

3 Dated: May \_\_\_, 2008.

4

UNITED STATES MAGISTRATE JUDGE  
ELIZABETH D. LAPORTE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28